

## Research Article

# The Evolution of Territorial Division in Islam: The Historical and Contemporary Experience of Muslims in India

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## ABSTRACT

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After conquering Mysore and Bengal, the East India Company (EIC) struck a deal with Delhi's emperor, Shah Alam II, under such onerous terms that the emperor effectively lost all power. His position in government was now purely symbolic, and he was no longer involved in day-to-day operations. According to available knowledge, the first person to refer to the Indian subcontinent as a dar-ul-harb was Shah Abdul Aziz Muhaddis Dehlawi R.A. (1746-1824). Having this in mind, this study used a library research approach to try to understand the sociopolitical conditions that prompted Shah Abdul Aziz to rule in this manner. The researcher has attempted to compare and contrast traditional Islamic interpretations of dar-ul-harb while provided some modern scholarly perspectives. According to the study's findings, such categorizations is dynamic and change over time in response to prevailing social and political conditions.

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**A. Introduction**

With reference to *dar-ul-harb* and *dar-ul-Islam*, Dr. Mushtaq writes that scholars working on this subject in the present time are generally divided into two groups: according to one group, the division of *dar-ul-harb* and *dar-ul-Islam* was not based on the texts of the Qur'an and the Sunnah, but was actually based on the Shariah's interpretation of the international system of the era of the jurists. Since the non-Muslim nations that were around the Muslims at that time, they were generally at war with the Muslims, so the jurists declared the territories of all of them *dar-ul-harb*. This does not mean that there is a perpetual war between Muslims and non-Muslims that will continue until the whole world is converted to *dar al-Islam*. The other group advocates the view that there is an eternal and permanent war between Muslims and non-Muslims, in between which, at times, there may be temporary intervals of peace. According to the opinion of this group, it is because of this constant war that the jurists declared all those areas *dar-ul-harb* which were outside the control of Muslims<sup>1</sup>.

Despite this fundamental disagreement over the concept of *dar*, both groups agree on the assumption that this concept is directly related to the concept of eternal war. Therefore, those who reject the concept of eternal war also reject the division of Dar al-Islam and Dar al-Harb and those who believe in this division also accept the concept of eternal war as a necessary consequence of it. After reviewing and analysing the jurists' texts, it appears that this division has nothing to do with the concept of eternal war. Rather, this division was based on the principle of how far the Muslim government's responsibility is to protect the rights of the people. In other words, this division was founded on the "Territorial Jurisdiction" principle<sup>2</sup>.

In this study, the researcher presented some contemporary scholarly viewpoints in this study while attempting to compare and contrast traditional Muslim interpretations of *dar-al-Harb*. At the same time, the researcher presented the prevalent sociopolitical conditions of Muslims in the Indian subcontinent at the time when the concept of *dar-ul-harb* first appeared. It is worth mentioning a few points about Shah Abdul Aziz Muhaddis Dehlawi, who first referred to India as *dar-al-Harb*, sparking a debate among scholars that is still ongoing. Shah

<sup>1</sup> Mohammad Mushtaq Ahmad, *Jihad, Resistance, and Rebellion from the Perspective of Islamic Sharia and International Law* (Al-

Shari'ah Academy, 2016), <https://archive.org/details/JihaadMuzaahamatAurBaghaawat>.

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Abdul Aziz also known as the Light of India (*Siraj-ul-Hind*). In the year 1746, Shah Abdul Aziz was born in Delhi under the rule of Mughal Emperor Muhammad Shah (1719-1748)<sup>3</sup>. When Shah Waliullah, the famous Islamic scholar from the Indian subcontinent and father of Shah Abdul Aziz, passed away, Shah Abdul Aziz was only 17 years old. He succeeded his father as a hadith and tafsir teacher<sup>4</sup>. He follows the Hanafi school of thought. Despite contracting multiple illnesses at a young age, he maintained his position as his father's heir and kept the business for education and training vibrant. His fatwa against the British, his detailed analysis of Shite creeds and practices and the fact that the line of all Muhaddiseen in Indian subcontinent at the time terminates with Imam Shah Waliullah through Shah Abdul Aziz are what distinguish him from the rest of scholars and freedom fighters<sup>5</sup>.

## B. The Context of the Study

Approximately 500 years ago, Zahiruddin Babur founded an unprecedented empire in India known as Mughal. It was 1526, when he defeated Ibrahim Lodhi in the First Battle of Panipat and then proceeded to establish an empire in India that would eventually hold one-fifth of the world's wealth and whose territory effectively spanned the whole South Asian continent, including Afghanistan<sup>6</sup>.

During the reign of Zahiruddin Babur, Vasco da Gama discovered the sea passage to India that enabled Portugal to become the first European nation to set foot on Indian soil. The Portuguese landed in South India and formed political and commercial connections with the Vijayanagara state. However, during Akbar's reign, the Portuguese established a presence in Gujarat and eventually obtained access to the Mughal palace<sup>7</sup>. However, at the beginning of the 17<sup>th</sup> century, rising European powers viewed India's resource-rich peninsula as an intriguing target. This was precipitated by tensions between the French and English East India Companies<sup>8</sup>.

Thus, the East India Company arrived in India in August 1608, when Captain William Hawkins docked the ship 'Hector' in the port of Surat (in the modern Indian state of Gujarat)<sup>9</sup>. After arriving in India, Captain Hawkins concluded that the

British plan to conquer the Mughal empire was insane. At the time, the Mughal Emperor had a military force of four million troops. Years later, in 1632, Emperor Jahangir proved Captain Hawkins' supposition when he annihilated the Portuguese in a short battle for intervening in Bengal. That was also a source of concern for the East India Company<sup>10</sup>. Before doing business in India, the corporation intended to obtain the approval of the Mughal emperors. Hawkins was sent to meet with Emperor Jahangir, but the proficient ruler was unimpressed by the semi-literate diplomat, and no concessions were made. Sir Thomas Roe, an educated parliamentarian and diplomat, was persuaded to serve as a royal ambassador to Jahangir's court, where he met with the emperor<sup>11</sup>. In 1615, Thomas Roe delivered costly gifts to the Mughal king in Agra, the Mughal capital. Hunting dogs from England and Ireland were among them. Sir Thomas negotiated with the Mughal emperor for three years before granting the East India Company a royal decree authorising the establishment of a factory in Surat, among other concessions<sup>12</sup>. The company's goal for the next 150 years was to gain the favour of the Mughal rulers while making as much profit as possible.

India, then under Mughal rule, was widely regarded as the wealthiest country on the planet. And, despite some development thanks to Queen Elizabeth's generosity and wisdom, England was ahead of India in area and resources, just as a small Asian country is ahead of the United States now. At the time, India had a population nearly 20 times that of England<sup>13</sup>. India was the global industrial powerhouse, producing more than a quarter of the world's goods (with textiles at the forefront) and housing 5% of the world's population. It was a major global trading hub, attracting gold and silver from all over the world and exporting its wares to all parts of the world. This harmed local economies in far-flung places such as Mexico, where Indian goods were more affordable. The Mughal Emperor Akbar became the world's wealthiest person as a result of the period's unprecedented economic growth, amassing a fortune that some estimate was worth 10 billion British pounds at the time<sup>14</sup>. In contrast, England was a poor agricultural nation ravaged by religious civil wars for nearly a century. England produced only 3% of all global goods. Isolated from the rest of Europe because of the religious civil war, the English looked outside of their homeland for new commercial and economic prospects. At the time, the major European countries were vying for control of the lucrative spice trade with Asia. Because meat and other dishes in Europe, particularly those prepared earlier in the day, gave off unpleasant odours due to a lack of refrigeration, spices sent from the East were regarded as a sign of prosperity. The quantity of spices in the house used to be used to determine wealth<sup>15</sup>.

The company had established a secure base at Armagon by 1626. Then it established a trading colony in Madras, which flourished rapidly. The company's second settlement was

<sup>3</sup> Mushirul Haq, *Shah Abdul Aziz, His Life and Time: A Study of Indian Muslims Attitude to the British in the Early 19th Century* (Institute of Islamic Culture, 1995).

<sup>4</sup> Soraya Dar, "Shah Abdulaziz Muhaddith Dehlavi as Muhaddith," *Mohaddis Magazine*, January 1983, <https://magazine.mohaddis.com/home/articledetail/2023>.

<sup>5</sup> Dar; John Kelsay, "Jihad," in *Islamic Political Thought: An Introduction*, ed. Gerhard Bowering (Princeton: Princeton University Press, 2015); Azduddin Khan, "Abdulaziz Mohaddis Dehlavi," in *Encyclopaedia Iranica*, January 12, 2014, <https://iranicaonline.org/articles/abd-al-aziz-mohadde-dehlavi>; Shashank, "Role of Fatawa in the Freedom Movement," *The Siasat Daily*, February 17, 2012, <https://archive.siasat.com/news/role-fatawa-freedom-movement-256086/>.

<sup>6</sup> Mohammad Muzaffaruddin Farooqui, *The Contribution of Muslims in India's War of Independence* (New Delhi: Anjuman Taraqqi Urdu, 2008).

<sup>7</sup> Waqar Mustafa, "East India Company, a Territorial Power," *BBC News*, November 1, 2020, <https://www.bbc.com/urdu/regional-54765530>.

<sup>8</sup> Waseem Abbasi, "The History of the East India Company's Enslavement of Millions of People," *Urdu News*, December 31, 2019, <https://www.urdunews.com/node/450706>.

<sup>9</sup> Mustafa, "East India Company, a Territorial Power."

<sup>10</sup> Azim Faisal Faisal, "India during the Period of British Colonisation of the Indian Subcontinent," *Urdu Mehfil*, May 16, 2022, <https://www.urduweb.org/mehfil/threads/پاک-و-ہند-پر-انگریزوں-کا-باباضابطہ-قبضہ-ہونے-کے-دنوں-کا-ہندوستان-118446>.

<sup>11</sup> Abbasi, "The History of the East India Company's Enslavement of Millions of People."

<sup>12</sup> Mustafa, "East India Company, a Territorial Power."

<sup>13</sup> Mustafa.

<sup>14</sup> Mustafa; Mohammad Anas Hassan, "The State of Industry and Commerce in the Indian Subcontinent: Prior to and Subsequent to the Arrival of the British," *Al-Shariah Academy* (Gujranwala, August 2016), <http://alsharia.org/2016/aug/barre-sagheer-tijarati-haalat-m-anas-hassan>.

<sup>15</sup> Mustafa, "East India Company, a Territorial Power."

established in Bombay, which was a gift given by Portugal to King Charles II of England. In Bombay, the company established its first naval base<sup>16</sup>. The Company only attempted to test its strength against the Mughals once in the 17th century, and it was defeated. When Sir Joyce Child took over as director of the company in 1681, the company officials complained to him that officials from Nawab Shaista Khan in Bengal were harassing them in taxation and other matters. The Mughal Emperor Aurangzeb's nephew was the Nawab of Bengal. Childe believed that the Mughals should be taught a lesson, and he wrote to the King of England requesting military assistance. So, in 1686, a large fleet of nineteen warships, two hundred cannons, and six hundred soldiers set sail from London for Bengal. Perhaps Childe took the wrong time from the world's richest king. The Mughal emperor had just completed two local conquests in the Deccan when the British fleet arrived, and his army was fully prepared. As a result, the English government was defeated in the war<sup>17</sup>.

However, the East India Company expanded its presence in Bengal. At first, he received concessions from Bengal's ruler, Ali Alvardi Khan. Meanwhile, a disaster known as Nadir Shah struck the western frontiers. Muhammad Shah was on the declining Mughal throne in Delhi. As a result, Muhammad Shah lacked the ability to compete, so he felt comfortable bowing his head. After sacking Delhi, Nadir Shah returned. In Bengal, the younger Nawab Siraj-ud-Daula was dissatisfied with the company because it had close ties with his rivals for the throne and political opponents. The Company did not have an English government mandate for military operations, but in 1757, Robert Clive defeated Siraj-ud-Dawla on the field of Plassey with the help of a few hundred soldiers as a result of a conspiracy by his chief minister, Mir Jafar. Mir Jafar ascended to the throne, discrediting the Najafi dynasty's rule and paying the war's expenses with additional concessions to the company<sup>18</sup>.

The Mughal emperor Shah Alam II made a concerted effort to restore the center's reputation, and in 1764, in the field of Buxar, Nawab Mir Qasim of Bengal formed an alliance with the emperor and the Nawab of Oudh to defeat the company. Following the company's victory in this war, it gained enormous power. The Company was given the revenue of Bengal and Bihar, and the Mughal Emperor became its stipend. The Subsidiary Treaty was signed by the company and the Indian states. As a result, the Company gained control of the states' foreign and trade policies in exchange for British defence protection<sup>19</sup>. The company faced various resistances as a result of the British's increasing steps and cruel policies, but the greatest threat to it came from Hyder Ali of Mysore and his son Tipu Sultan, so after 3-4 consecutive wars, Tipu Sultan was martyred in 1799 and his entire property was captured by the British. Soon after, the British turned their attention to Delhi, conquering Aligarh and Agra, and then taking Delhi from the Marathas in 1803 to become the sole ruler of India, and almost all major contenders were defeated or became its doll.

### C. The Verdict of Characterizing India as *Dar-ul-harb*

Dr. Muhammad Muzaffaruddin Farooqui writes that the Mughal Empire ruled India for 315 years. He divided Mughal

rule in India in three phases. Firstly, it rose during the first 181 years from Babur's accession to the throne (1526 AD) to Aurangzeb's death (1707 AD). Secondly, the Mughal Empire was in decline from 1707 to 1799, a period of 82 years. During this time, the Mughals' military strength was decimated by civil war. Following Tipu Sultan's martyrdom in 1799, only the Maratha power remained on India's political horizon which was also crushed by the East India Company in 1803. In 1803, the East India Company's forces led by General Lake arrived in Delhi after capturing Aligarh and Agra, and the Mughal Emperor Shah Alam II welcomed the British under a torn canopy. General Lake took the Mughal emperor under his protection and fixed his stipend and from here third phase of empire starts in which Mughal power remained nominal for 58 years, from 1799 to the first war of independence in 1857<sup>20</sup>.

According to Dr. Mubasher Hasan's "*Shaharah-e-Inqilab*," in 1770, the English Resident of Murshidabad, Beecher, wrote that since Diwani was acquired by the company, things for the people have gotten worse. This country thrived even under repressive sultans. The British, however, are currently in charge of its administration. There is complete destruction and wreckage. With the assistance of the British government, the East India Company pillaged the Indian subcontinent. After 1767, the Company was required to pay £400,000 in annual tribute to the British government in London. This sum was given to the government in exchange for their assistance in capturing Bengal and Bihar. According to honourable Britons, by doing so, the British government established its state powers in India and thus became complicit in the country's theft<sup>21</sup>.

Interest was a source of revenue for regions where the British did not have a competitive advantage, such as Bengal. The British, apparently acting as mercenaries, fought the French in Karnataka on behalf of the native Nawab. The Nawab lacked the financial resources to finance the war. The funds for this were donated by the "staff" of the English company. At the conclusion of the battle, the Nawab owed two million rupees. The initial interest rate was between 30% and 36% per year, but it later dropped to 22%. Five years later, the percentage was cut in half again, to 10%. Edmund Burke, an English parliamentarian and peace advocate, delivered a now-famous speech in 1783. "There is no example in the history of the world of a more corrupt and destructive dictatorship than the government of the East India Company," he wrote in it. In all of India, we have never met a king, Nawab, or Nawabzada to whom we have not sold. There has never been a nawabi or state that we have not destroyed, and we have never formed a treaty that we have not broken<sup>22</sup>. In 2018, eminent economist Utsa Patnaik published a compelling study from Columbia University in which, with the help of detailed tax and trade data from 1765 to 1938, she proved that Britain stole \$45 trillion from India over a period of 173 years. This amount is more than 17 times the current gross domestic product of Great Britain<sup>23</sup>. Utsa Patnaik

<sup>20</sup> Farooqui, *The Contribution of Muslims in India's War of Independence*.

<sup>21</sup> Abu Ammar Zahid Al-Rashidi, "A Glimpse of East India Company's Economic Hegemony on the Subcontinent," *Roznamah Ausaaf*, June 24, 2022, <http://zahidrashidi.org/3968>; Hassan, "The State of Industry and Commerce in the Indian Subcontinent: Prior to and Subsequent to the Arrival of the British."

<sup>22</sup> Al-Rashidi, "A Glimpse of East India Company's Economic Hegemony on the Subcontinent."

<sup>23</sup> Jason Hickel, "How Britain Stole \$45 Trillion from India," *Al-Jazeera*, December 19, 2018, <https://www.aljazeera.com/opinions/2018/12/19/how-britain-stole-45-trillion-from-india>.

<sup>16</sup> Abbasi, "The History of the East India Company's Enslavement of Millions of People."

<sup>17</sup> Mustafa, "East India Company, a Territorial Power."

<sup>18</sup> Abbasi, "The History of the East India Company's Enslavement of Millions of People"; Mustafa, "East India Company, a Territorial Power."

<sup>19</sup> Farooqui, *The Contribution of Muslims in India's War of Independence*; S.B. Bhattacharjee, *Encyclopaedia of Indian Events and Dates* (Elgin: New Dawn Press, 2005).

exposes the legal and commercial tactics of this widespread exploitation through purely economic analysis rather than political and social angles.

This was very sociopolitical situation of India when in 1804, Shah Abdul Aziz Muhaddis Dehlawi had characterized India as "*dar-al-Harb*" and "Sultant-e-Shah Alam, from Delhi to Palam" had become famous on people tongue to show helplessness of the king. The Mughal emperor Shah Alam II regarded him highly and granted him three villages in the Muzaffar Nagar district of Uttar Pradesh as jagirs for his and his family's support<sup>24</sup>. Muslim opposition to British rule was largely inspired by Shah Abdul Aziz's political ideals. His declaration that British India was a land of unbelievers was both radical and definitive. This was India's first public protest against British rule<sup>25</sup>. Nonetheless, Shah Abdul Aziz believed that Muslims should not miss out on the British scientific and technological triumphs; rather than urging a blanket boycott, he ruled that Muslims could learn English<sup>26</sup>. Furthermore, he acknowledged that some level of cooperation with the British was not only necessary but also beneficial, and in another decree, he declared that Muslims were free to seek employment in any civilian role under the British that did not require them to commit deadly sins<sup>27</sup>.

In his ruling, he established three requirements for a country to transition from *dar-ul-harb* to *dar al-Islam*: 1) the mushriks' laws are implemented, 2) the occupied *dar al-Islam* is immediately adjacent to the occupying power's *dar-al-Harb*, with no intervening *dar al-Islam*, and 3) the previous peace is no longer available to the Muslims and dhimmis who were previously protected by the Muslims<sup>28</sup>. He concluded that India had become *dar-ul-harb* even though the Muslim community still had the freedom to conduct obligatory actions because the imam in Delhi was unable to enforce his commands and Christian officers' orders were carried out instead; because non-Muslims were in complete control of administrative matters such as collecting the kharaj (land tax), the baj (tolls), and the ushr (tithe); and because they punished criminals and decided law-suits according to their own principles. 'Abdul 'Azz based his decision on a hadith depicting Bani Yaru's plight under Abu Bakr's rule over the early Muslims<sup>29</sup>.

In another ruling, 'Abdul 'Azz began his response by emphasising that there was disagreement among the 'Ulama' about when a territory known as *dar al-Islam* could become *dar-al-Harb*. Some scholars argue that the territory enters *dar-ul-harb* the moment a single Islamic law is prohibited. Some attribute the shift to the open adoption of non-Muslim legal codes, while others point to the rise of non-Muslim political parties. Another group claimed that in order to meet this criterion, Muslims and dhimmis had to be unable to live peacefully on the basis of their previous rights to protection. 'Abdul Aziz declared that the majority of scholars supported the third viewpoint<sup>30</sup>. *Dar-ul-harb* must be considered any territory ruled by the English or any other non-Muslim group, according to that definition. When asked how India's status affected the legitimacy of interest payments, he cited Shayb'ani's interpretation of Abu Hanifa in his Ziyad'at, as detailed in the

Fatwa'i Alamgiri: 1) Non-Muslim laws are enforced while Islamic law is ignored; 2) The land is bounded by a *dar-al-Harb*, and there are no remaining Islamic settlements in the area; and 3) no Muslim has the tranquillity that he had in Islam, and no dhimmi has the rights that he had in *dar al-Islam*<sup>31</sup>. According to 'Abdul Aziz, if these three conditions are not met, a region is still considered *dar al-Islam*. In which 1) non-Muslims from a *dar-ul-harb* conquer a *dar al-Islam*, 2) a town's Muslim population abandons Islam, and 3) the dhimmis of *dar al-Islam* deny the pact and seek control. The only thing that needs to happen, he says, is for Islamic ordinances to be replaced with infidel ones, as stated in the Fatawa-i-Alamgiri. 'Abdul Aziz responded to the question of interest by stating that if the region was ruled by the aforementioned method to be *dar-al-Harb*, it was permissible to receive or pay interest to non-Muslims, though he advised against doing so unless absolutely necessary<sup>32</sup>.

'Abdul 'Aziz discussed the subject of how soon after takeover by kuffar or infidels a territory would become *dar-ul-harb* once again, pointing out the different rulings given by different groups of 'ulama. Some people believed that the area was still *dar al-Islam* as long as even one aspect of Islamic law was followed. Others, however, believed that even the removal of a single rite (*siyar*) would transform the area into *dar-al-Harb*. He believed that a country was still a *dar al-Islam* as long as Muslims and non-Muslims were at war and Muslims had enough power to live and conduct business without being dictated to by the non-Muslim majority<sup>33</sup>. Similarly, the brief occupation of a region by non-Muslims did not transform it into *dar-al-Harb*. It occurs only when Muslims are no longer able to defend the land, when they have surrendered to the infidels, and when they can only go about their daily lives with the permission of the rulers<sup>34</sup>.

Though there are no specific dates for 'Abdul 'Aziz's fatwas, those issued earlier, when the British took over Delhi, tend to be the most stringent. More lenient rulings were issued after the situation had stabilised under British rule. After he protested the seizure of his father's property in 1807, the British promptly returned some of it, and government officials were eager to speak with him about a variety of issues. Even in later decisions on the permissibility of charging interest on loans and the treatment of worshipers, he maintained the notion that India was now *dar-al-Harb*<sup>35</sup>. Despite his father's declaration that migration from the *dar-ul-harb* area was mandatory, 'Abdul 'Azz never made such a declaration. He went on to say that Muslims must perform hijra only if their non-Muslim rulers forbid them from practising Islam in any way, including teaching Islam, fasting, praying alone or in congregation, leading the adhan, or circumcising. He claimed that even if they were forbidden, hijrat would be unnecessary until a safe haven was established, citing the Prophet's own thirteen-year wait to leave Mecca despite persecution as an example. 'Abdul 'Aziz allowed his nephew and son-in-law, 'Abdul xayy (d. 1828), to serve as a mufti under the British, despite objections from other religious authorities<sup>36</sup>.

Despite concluding that India had become *dar-al-Harb*, 'Abdul 'Aziz never called for *hijrat* or jihad, which is significant

<sup>24</sup> Alan M. Guenther, "Dār Al-Harb or Dār al-Islām: The Controversy Regarding the British Presence in India," *Academia*, 1998.

<sup>25</sup> Guenther.

<sup>26</sup> Shah Abdulaziz Dehlawi, *The Legal Opinions of Shah Abdulaziz* (Karachi: H. M. Saeed Company., 1987).

<sup>27</sup> Dehlawi.

<sup>28</sup> Dehlawi.

<sup>29</sup> Guenther, "Dār Al-Harb or Dār al-Islām: The Controversy Regarding the British Presence in India."

<sup>30</sup> Dehlawi, *The Legal Opinions of Shah Abdulaziz*.

<sup>31</sup> Dehlawi.

<sup>32</sup> Guenther, "Dār Al-Harb or Dār al-Islām: The Controversy Regarding the British Presence in India."

<sup>33</sup> Dehlawi, *The Legal Opinions of Shah Abdulaziz*.

<sup>34</sup> Dehlawi.

<sup>35</sup> Guenther, "Dār Al-Harb or Dār al-Islām: The Controversy Regarding the British Presence in India"; Mushirul Haq, "Indian Muslims Attitude to the British in the Early Nineteenth Century: A Case Study of Shah 'Abdul 'Aziz" (McGill University, 1964), <https://escholarship.mcgill.ca/concern/theses/v118rh91g>.

<sup>36</sup> Guenther, "Dār Al-Harb or Dār al-Islām: The Controversy Regarding the British Presence in India."

given that a number of his followers, including 'Abdul Hayy, another nephew, Shah Ismail (1781-1831), and Sayyid Ahmad of Rai Bareilly (1786-1831), led a movement that explicitly called for both. Sayyid Ahmad's writings and other contemporary literature show no significant influence from 'Abdul Aziz's fatwas, which later scholars have attempted to attribute to the movement's inspiration<sup>37</sup>.

#### D. Discussion and Analysis

According to what has been described above, Shah 'Abdul 'Aziz's view that India was *dar-ul-harb* when it was ruled by the East India Company persisted until his death. What distinguishes him, however, is that he did not advocate for war against the British or for people to relocate, both of which are outcomes of declaring a territory *dar-al-Harb*. Similarly, if a Muslim country is conquered by a non-Muslim and the Muslims are unable to retake the area, but the non-Muslim rulers continue to allow the Muslims to practise their faith, the Muslims should collaborate with the non-Muslim rulers and remain peacefully in the country while positively improving it, and they will be considered "Musta'man" or "Ma'moon" (the protected one).

Later, Muslims in British India may be roughly divided into two factions. Wilayat Ali (1791–1842) and his brother Inayat Ali (1794–1858) were adherents of Shah Ismail and Syed Ahmad who advocated for war against the British and the Sikhs in Punjab after being influenced by the fatwa of Shah Abdul Aziz Muhaddis Dehlawi to take India into consideration for *dar-al-Harb*. Congregational prayers were suspended in 1818 by a group of Muslims led by Haji Shari'at Allah (d. 1840) in an effort to draw attention to themselves. They justified their actions by claiming that such prayers were only permitted in towns with an amir and *qadi* appointed by a legitimate Muslim monarch, or *mir al-jami*, which did not apply during British control. Even though the topic of *dar al-Islam* was not specifically addressed, the movement's conclusion that British Indian villages were not *mir al-jami* and, therefore, that congregational prayers were not required meant that the land was *dar-al-Harb*<sup>38</sup>.

On the other hand, Karmat 'Ali (1800-1873), an Islamic scholar and activist in Bengal, asked Meccan scholars about the feasibility of holding congregational prayers in British India and was given a favourable response. The two questions were closely intertwined, thus in his mind this meant that India was *dar al-Islam*. Amir Husayn, an Assistant Commissioner in Bhagalpur, approached scholars in Delhi, Rampur, and Lucknow for a fatwa on India's legal standing, and he published their responses in *The Englishman*. The fatwa essentially argued that because Muslims in India are no longer restricted in their religious practises, they should maintain cordial relations with the British, refrain from participating in Jihad, and avoid working with organisations that oppose these principles<sup>39</sup>.

Following Amir Husayn's fatwa, the Mahomedan Literary Society, led by Nawab 'Abdul Latif Khn Bahdur, called on Karmat Ali to explain to the Muslim masses that the issue is not whether or not waging war against the British is legal at the time, but rather whether or not British India should be completely accepted as *dar al-Islam*. Karmat 'Ali observed that in fatawa-i-Alamgiri, three conditions must be met to declare a land *dar-al-Harb*, and none of which were met in India. Amidst the fact that the government was Christian and Muslims were free to follow

their faith, personal law injunctions were generally in effect and strictly enforced in conflicts involving Muslims, even by Christian and Hindu courts. The kingdoms within India and the countries to India's west and north-west were named as *dar al-Islam*. Even after a Christian kingdom entering from *dar-ul-harb* to rule India by God's will, the Muslim population remained stable and the Hindus fared well. Once India was recognised as a *dar al-Islam*, there was no longer any need for jihad or *hijrat*. Any "misguided wretch" who rebelled against the government was committing a grave sin, according to Islamic law. If such a conflict arose, Muslim subjects would be expected to support their rulers rather than the rebels, according to Karmat 'Ali<sup>40</sup>.

Maulavi Fazli 'Ali spoke at the same gathering and cited some of the same sources as Karmat Ali. Additionally, he contended that Muslims would be expelled from India if it were *dar-al-Harb*. However, thousands of pious Muslim men have been born and raised in India since the arrival of the British and have remained there their entire lives, and many Muslim scholars have relocated to India. He continued by saying that Muslims in India believe it is banned to take interest and that it is required for them to pray in congregation—laws that are applicable in the Islamic world but not in the *dar-al-Harb*. These arguments were published in 1866 along with three famous muftis from Mecca, one from each of the schools of Hanafi, Shafi'i, and Maliki, who each issued fatwas<sup>41</sup>.

Their verdict differed from Shah 'Abdul 'Aziz's not because of differences in the scriptures referenced, but because of distinct inferences and precedents. Between the two pronouncements, India's status as *dar al-Islam* was hardly mentioned. Participants in the Tariqa-i-Muammadiya were urged to jihad against the Sikhs and afterwards the British, and certain 'ulama' signed a fatwa calling for jihad against the British during the revolt of 1857, both of which implied *dar-al-Harb*<sup>42</sup>. No such decision was made, though in detail. Muslim leaders debated their place in post-revolt India, where political supremacy was unlikely. The Calcutta statement formalised the 'ulama's new thinking. Abbasi says their choice was a practical legal compromise, not a theological necessity to accommodate British authority. Their theological debates led to a pragmatic political programme that gave religious validity to the concept of allegiance<sup>43</sup>.

Sir Syed Ahmad Khan, through his writings and speeches, attempted to strengthen ties between Muslims and the British. He sided with the British government during the 1857 uprising and spoke up for the loyalty of the vast majority of Muslims, notwithstanding their legitimate concerns against the colonial power. By referencing the Fatawa-i-Alamgiri and the Hidayah, he addressed in the Loyal Mohammedans of India matter of jihad in the year 1860<sup>44</sup>. He claimed in the fatwa issued by North Indian religious scholars that Muslims had an obligation to desist from indignation against the British because they were *mustamin* (protected), and living in peace and security under the British. He also disagreed with the generalisation that all "Wahhabis" are rebels or conspirators, pointing out that in 1857, two Wahhabis in Delhi declined to sign a fatwa declaring jihad

<sup>37</sup> Guenther; Haq, "Indian Muslims Attitude to the British in the Early Nineteenth Century: A Case Study of Shah 'Abdul 'Aziz."

<sup>38</sup> Guenther, "Dār Al-Harb or Dār al-Islām: The Controversy Regarding the British Presence in India."

<sup>39</sup> Guenther; Haq, "Indian Muslims Attitude to the British in the Early Nineteenth Century: A Case Study of Shah 'Abdul 'Aziz."

<sup>40</sup> Guenther, "Dār Al-Harb or Dār al-Islām: The Controversy Regarding the British Presence in India"; Haq, "Indian Muslims Attitude to the British in the Early Nineteenth Century: A Case Study of Shah 'Abdul 'Aziz."

<sup>41</sup> Guenther, "Dār Al-Harb or Dār al-Islām: The Controversy Regarding the British Presence in India."

<sup>42</sup> Guenther; Haq, "Indian Muslims Attitude to the British in the Early Nineteenth Century: A Case Study of Shah 'Abdul 'Aziz."

<sup>43</sup> Guenther, "Dār Al-Harb or Dār al-Islām: The Controversy Regarding the British Presence in India."

<sup>44</sup> Guenther.

against the British<sup>45</sup>. He contended that the fatwa's provision that jihad was permissible if victory was feasible did not apply to Muslims who were subjects of a non-Muslim state. Rather, if a sovereign Muslim nation chose to invade a non-Muslim state that was mistreating its Muslim residents, it would have to take stock of its capabilities and determine whether or not the invasion would result in a resounding triumph and a blaze of Islamic glory. Taking interest on one's money is one way he posited a government may be *dar-al-Harb*, while permitting Muslims to fight jihad was another. In the former, he placed India and Britain. The call to jihad was not made to Muslims living under an infidel government that respected their religious freedom, but to Muslims living under a government that actively persecuted their faith. If Muslims in India staged a "jihad" (holy war) against their rulers, it would be an act of rebellion and the participants would be misguided and deserving of death. He advocated for *dar-al-amn* as an alternative to *dar-ul-harband* *dar al-Islam* in India. The hadith states that early Muslims seeking safety fled Mecca for Abyssinia. The Prophet acknowledged a non-Muslim land in which it was lawful for Muslims to stay and in which jihad was positively prohibited because it was *maNmEn*, a sanctuary from a country in which jihad or *hijrat* was an obligation<sup>46</sup>.

In 1880-81, Amad Riza Khan Barelwi, the founder of the Barelwi sect, stated that Hanafi law did not declare British India *dar-al-Harb*. In his fatwa, he stated that jurists disagreed on whether all three elements were required for *dar al-Islam* to become *dar-ul-harbor* if the first was sufficient. His decision was based on the fact that Muslims were free to carry out their responsibilities and live according to Shari'ah; anyone ruling otherwise would allow Muslims to incur interest-bearing debt. There is no evidence of a desire to wage jihad or perform *hijrat*<sup>47</sup>. Ashraf 'Ali ThEnawi and Maulna 'Abd al-Hayy of Lucknow's Firangi Mahal issued similar fatwas, while Muammad Qasim Nanautawi disagreed. After 1910, discontent arose as a result of British rule and Turkey's treatment, as well as Indian nationalism. Amad Riza Khan rejected the call for *hijrat*, but other leaders got inspiration from fresh readings of 'Abdul 'Aziz's fatwas and the *Hijrat* Movement began<sup>48</sup>.

By claiming that Muslims saw the world as divided into "country of enmity" and "country of safety," O'Kinealy attempted to reconcile the two opposing viewpoints. Islamic law bans a Muslim from being permanently subject to an "enemy," therefore even if they reside in the former, they must continually yearn to return to the latter. According to O'Kinealy, Muslim scholars debated whether India, which was previously part of *dar al-Islam*, changed its title to *dar-ul-harba* after the British conquest. Muslims could not fight if *dar al-Islam* remained. Muslims may be able to justify jihad even if the British started the conflict if its position changes. *Hijrat* remains a "stern responsibility" under Muslim law, and permanent residents may lose their civil and religious rights. He listed the three Hanafi code requirements that must be met for a region to qualify as *dar-al-Harb*: 1) public exercise of infidel authority and lack of Muslim authority in it; 2) annexation to *dar-ul-harba* without a Muslim city or community in between; and 3) lack of a genuine believer in it<sup>49</sup>. The last condition differs from Muslim sources, casting doubt on O'Kinealy's interpretation. He also failed to credit his source. He demonstrated that some members of the Hanafi school believed that India was a *dar al-Islam* because the latter conditions did not apply to British India, which was

bordered on the north-west by Afghanistan and had many maulavis known for their learning and piety. Others, such as Wahhbis who followed Muammad Isma'l's teachings, believed that only the first condition was required for a country to become a *dar-al-Harb*. He referred to translations of their works that supported jihad or *hijrat*. Despite the fact that Karmat 'Ali was both a Hanafi and a Sayyid Amad adherent, making him a moderate, O'Kinealy believed that other Hanafis did not differ significantly from Wahhabis in matters such as *hijrat*<sup>50</sup>.

The debate over *dar-ul-harband* *dar al-Islam* demonstrates that the various views on Islamic law held by Muslim leaders in the second half of the nineteenth century are still firmly rooted in more conventional understandings of the subject. The distinction between *dar-ul-harband* *dar al-Islam* is critical, so it's worth looking into how Quran and Hadith make these distinctions. There is no denying that the concept of dividing land in this manner appears in both the Qur'an and hadith. Allah says in the Qur'an "Indeed, those who have believed and emigrated and fought with their wealth and lives in the cause of Allāh and those who gave shelter and aided - they are allies of one another. But those who believed and did not emigrate - for you there is no support of them until they emigrate. And if they seek help of you for the religion, then you must help, except against a people between yourselves and whom is a treaty. And Allāh is Seeing of what you do" (Surah Anfal: 72). The point of inference is that Allah Almighty told us about the conditions of the believers who migrated from Mecca to Medina, and about the conditions of the Ansar. Then he clarified that those who believed and did not emigrate, the relationship between you (as an Islamic political society) is only spiritual, not political, as it requires commitments for them and for them, except in one case, which is if they are attacked and they seek support from the Islamic society (the Islamic State) with what they are Muslims. In this case, the Islamic community must support them, but on the condition that there is no covenant between these non-Muslim opponents and the Islamic community that requires Muslims to refrain from waging war against them. This means that the covenant or treaty here is stronger than the magnificence of faith with the difference of the house. This establishes the rules of mutual respect and not allowing interference in the internal affairs of other countries, after entering into a covenant and treaty. Hence, the verse differentiates between two situations and two homes on the one hand that the one who resides among Muslims is considered to belong to the political community, so he enjoys the rights of political membership, and the one who resides among the warriors (an enemy to you) is not considered to belong to the membership of the Islamic political community. This necessitates distinguishing between the houses from one another with clear descriptions so that this ruling can be applied and Muslims can abide by it, with the condition that the two houses are not identical in the ruling, as it is not imagined from the Lawgiver to order leaving from one house to another house even though the two houses are similar in character<sup>51</sup>.

Similarly, Prophet Muhammad, peace and blessings of Allah be upon him, whenever sends a squadron or an army, would advise its commander, saying: then invite them to Islam, and if they respond to you, accept it from them, and stop fighting with them, and then invite them to move from their home to the home of the immigrants (Sahih Muslim: 1721). In another

<sup>45</sup> Guenther.

<sup>46</sup> Guenther.

<sup>47</sup> Guenther.

<sup>48</sup> Guenther.

<sup>49</sup> Guenther.

<sup>50</sup> Guenther.

<sup>51</sup> Abdul Amir Kazem Zahid and M. M. Haider Shawkan Saeed, "A Critical Analysis of the Dualistic Jurisprudential Categorization of the World into 'Dar al-Islam' and 'Dar al-Kufr,'" *Al-Ijtihad*, February 19, 2018, <http://ijtihadnet.net/> ثنائية التقسيم الفقهي للعالم لدار-

hadith, he -peace and blessings of Allah be upon him- says that Allah Almighty does not accept any deed from a polytheist after he has embraced Islam, or separates from the polytheists to the Muslims (Ibn Maajah: 2071). It implies that once a person converts to Islam, his past acts of faith will be upheld until he leaves the polytheist zone and moves to the Muslim territory. It is necessary to leave the home of infidelity. Because a person cannot practise his religion in a polytheist's home. A Muslim can only live in the country of disbelief if two requirements are met. The first is security in his religion, together with wisdom, conviction, and resolution that comfort him of his religion's constancy and forewarn him against deviance. The second need is that he must be permitted to practise his religion openly without being prevented from organising congregations, Friday prayers, and other religious gatherings; otherwise, he must move to an area where Islam is practiced. This explanation is given at dorar.net<sup>52</sup>. These and other texts of similar meaning indicate the existence of two homes: a home to which migration is permitted, which is the home of the Muslims, and a home from which immigration is permitted, which is the home of the infidels (Sham Islamic Authority, 2016).

In his book "the Difference of the Two Houses and its Effects in the Provisions of Islamic Law," Abdulaziz bin Mabrouk Al-Ahmadi first mentions different schools of thought about what *dar-al-Islam* is. According to Al-Sarkhasi, *Dar al-Islam* is a name for a place under Muslim control, and a sign of that is that Muslims are safe there. The Malikis defined it as the place where Islamic rulings are carried out. And the Shafi'is defined it as anything under the control of the head of the Islamic state, even if it contained no Muslims. The Hanbalis defined it as: "the abode in which the Muslims settled and upon which the rulings of Islam were applied. However, unless the provisions of Islam are applied to it, it is not the abode of Islam, even if Muslims adhere to it. From contemporary Islamic scholars, he mentions that according to Abu Zahra, *dar al-Islam* is the state that governs with the authority of the Muslims, and the security and power inside it are for the Muslims. Similarly, Abd al-Qadir Audah says that *dar al-Islam* encompasses the nations where the Islamic laws are in effect or where Muslims are able to make the laws of Islam public. Every nation whose citizens are all or almost all Muslims enters the abode of Islam. Likewise, every nation that Muslims control and dominate, even non-Muslims make up the majority of the populace. And every nation enters in the House of Islam that is dominated by non-Muslims as long as Muslim population are there and they adhere to Islamic law, or they have nothing prohibiting them from living up to Islam's principles. After listing all, Abdulaziz comments that so the essential and basic condition for considering the abode as the abode of Islam is that it is governed by the rule of Islamic law and under the sovereignty and authority of the Muslims. Al-Rafi'i rightly said that it is not a condition of the House of Islam that there be Muslims in it, rather it is sufficient for it to be in the hands of the imam and his adaptation to Islam. A home is considered a home of Islam, even if all of its inhabitants are dhimmis, as long as the rule, sovereignty, and the application of the rules in it belong to the Muslims. Thus, it becomes clear to us that the significance of the house being an Islamic house is not the large number of people who belong to this house, but rather it is the one who rules this house, and the general system that is applied in it, even if the proportion of Muslims in it is small. If the Muslims rule over a country whose population is mostly infidels, and they are able to establish in this country the rules of Islam, while they are fewer than its inhabitants, then by establishing those rules, there will be an abode of Islam and not an abode of kufr. Similarly, if a group of infidels seizes control of a country whose population is mostly Muslims, and that group

establishes the rules of kufr in this country, then by implementing those rules it becomes an abode of kufr, not an abode of Islam<sup>53</sup>.

Islamic authority and hegemony are a prerequisite for the abode to be an abode of Islam, and the second condition is the application of Islamic rulings, and it follows the first condition. As long as the ruler is a Muslim, and the power and hegemony is in his hands, then there is no doubt that the banner of Islam will be raised and its rulings will be implemented without hindrance. On the contrary, if the ruler is an infidel, and the power and hegemony are in his hands, then the banner of Islam will not be raised and its rulings will not be implemented. So, the country in which the majority of its inhabitants are Muslims, and they apply some Islamic rulings in it is not sufficient for that country to be a house of Islam, as long as the authority in it belongs to the infidels and the predominance of rulings belongs to them. As for what is reported by some Hanafis that a home is considered a home of Islam if the Muslims are safe and infidels are in fear, then the ruling for them is based on security and fear, not on Islam and nonbelief. In this regard, Al-Kasani says: the meaning of adding the abode to Islam or infidelity is not about Islam or infidelity, but rather security or fear. It means that if security is for Muslims, and fear is for infidels in general, then it is the abode of Islam. And vice versa, and the rulings are based on safety and fear, not on Islam and disbelief, so the consideration of safety and fear was more important. It seems that he agrees with what the majority said as per Abdulaziz. This was considered by some scholars to be contrary to what the majority said, that a house is considered a house of Islam if Islamic legal rulings appear in it, and the authority in it is Islamic, even if most of its inhabitants are non-Muslims. But Abdulaziz argues that there is no safety for the Muslims in any country if the authority and control are not theirs, and they will not be able to implement the provisions of Islamic law, and the real application if the sovereignty and hegemony in that country are not theirs. Thus, what was reported from some Hanafis agrees with what the majority said, and what Al-Kasani mentioned that there is no consideration for Islam or disbelief is exactly what the majority said, there is no consideration for the number of Muslims. The basic condition for considering the abode as an abode of Islam is the predominance of Islamic rulings in it, and the domination and authority of Muslims over it, even if the Muslims are few and the unbelievers are many<sup>54</sup>. This is the reason that Shah Abdul Aziz had never changed his idea of considering India as *Dar-ul-harb*, although he gave a number of concessions and not urged for migration or jihad considering the complex situation of that time.

## E. Concluding Remarks

Omar Al-Katawi in his article entitled "*Dar-ul-harband Dar al-Islam: A Contemporary Vision*" writes that today Muslims live in a radically different reality, as the political and geographical map has changed completely from what the Muslims were familiar with in the past. Today, there are millions of Muslims who live permanently in various western countries in Europe, North and Latin America, and Australia, as they immigrated there for variety of purposes. They all also belong to the United Nations, an organization that is founded on the principle of all Members' sovereign equality. To ensure that all Members have the rights and benefits that come with membership, all Members must fulfil their obligations in accordance with the current Charter in good faith and do not

<sup>53</sup> Abdulaziz bin Mabrouk Al-Ahmadi, *The Disparity between the Two-Houses and Its Ramifications in the Implementation of Islamic Jurisprudence* (Madinah: Islamic University of Madinah, 2004), <https://waqfeya.net/book.php?bid=2829>.

<sup>54</sup> Al-Ahmadi.

<sup>52</sup> <https://www.dorar.net/hadith/sharh/76631>



oppress anyone living within their territory. They participate in various degrees in achieving security and spreading peace in the world<sup>55</sup>.

In view of all these valid considerations, which cannot be overlooked, the following questions may be asked: Is it possible to continue talking about *dar-ul-harband dar al-Islam* at a time when the Islamic world and Muslims in general have close relations with most Western and non-Western countries regardless of their political affiliations and ideological and religious? Isn't it possible, following the example of the early jurists, to develop new political and religious concepts derived from the principles of Sharia and Islamic jurisprudence and consistent with the existing objective conditions that enable Muslims to play an active role in moving human civilization and introducing the Islamic religion in a context of sharp competition with other ideologies and religious doctrines that exist on the face of the earth? To do so, a group of contemporary Muslim thinkers and scholars developed new concepts emanating from the spirit of the major Islamic principles to focus on the one hand distinguishing Islam and Muslims from other religions. On the other hand, emphasizing the responsibility of Muslims in embodying Islamic values and principles on the ground, and then their main role in introducing people worldwide to Islam without coercion or intimidation<sup>56</sup>.

Sheikh Abdul Salam Yassin believes that this division of *dar-ul-harband dar al-Islam* arose in the shadow of the sword and strife between the conquering states that seized control, some of which are in conflict with each other, and between them and an enemy surrounded by conflicts: sometimes it is with the rulings of Muslims and their leaders, and sometimes with security without the rulings. Therefore, he describes this jurisprudence that hangs over the Islamic mind as "the jurisprudence of estrangement" and calls for transcending this historical jurisprudence and establishing a new jurisprudence based on the principles of propagation that contributes to carrying the call to people everywhere in its place, as the Prophet, may Allah's peace and blessings be upon him, used to do. This new jurisprudence that Sheikh Yassin calls for divides the world into two parts: a response nation (*Ummah Istijabah*) that is the Muslims today and a call nation (*Ummah Dawah*) that is the rest of the people and races. This new jurisprudence that Sheikh Yassin calls for divides the world into two parts: a response nation that is the Muslims today and a call nation that is the rest of the people and races. This new principled division, although it does not deny the factors of treason and dimness that are gnawing away at the body of a dissolved Islamic nation today, does not mean giving up jihad in Sheikh Yassin's view. However, it aims through it to prepare the force for a long time, because jihad, according to his conception, is of various types, the first of which are advocacy, communication and wisdom. And good sermon and arguing with people in a way that is better<sup>57</sup>.

In a similar principled position, Dr. Tariq Ramadan, in turn, categorically rejects the distinction between *dar-ul-harband dar al-Islam*, as he considers that Europe is not considered *dar-ul-Harb* or *dar-ul-Nahd*, because this will lead to a conflict between Muslims and the indigenous citizens of the European countries in which they reside on the one hand. On the other hand, Muslims lose a sense of stability, which is a prerequisite for playing an active role in their new societies. Therefore, Dr. Tariq

Ramadan calls for considering the West, in which Muslims practice their religious rites freely, as the "home of testimony" in which Muslims express their religious affiliation, and through their embodiment of the features of their religion at various levels, they testify to other citizens around them<sup>58</sup>.

What can be drawn from the convergent opinions of these two contemporary Islamic thinkers is, on the one hand, the strong belief in the ability of Islam, despite the unfavorable circumstances, to impose its principles and method in a social and cultural climate of great diversity. Without resorting to violence, but rather through dialogue and peaceful advocacy that addresses the mind and heart of contemporary man, on the other hand, the serious attempt to make Muslims abroad aware of their role as indirect preachers of Islam through their sense of security and stability and benefiting from the prevailing atmosphere of freedom in non-Muslim countries, which enables them to practice their religious rituals are free and safe<sup>59</sup>. The latter notion is the fairer and most justifiable. As it is noted earlier that Allah says in the Qur'an "Indeed, those who have believed and emigrated and fought with their wealth and lives in the cause of Allāh and those who gave shelter and aided - they are allies of one another. But those who believed and did not emigrate - for you there is no support of them until they emigrate. And if they seek help of you for the religion, then you must help, except against a people between yourselves and whom is a treaty. And Allāh is Seeing of what you do" (Surah al-Anfal: 72). As a result, Muslims have agreed and accepted the modern constitution practised in various nations to follow, which they must continue to do until a drastic change occurs in the country where they live.

Maulana Muhammad Qasim Nanotwi, a famous Muslim scholar from Deoband, though he had waged Jihad against the British and considered the British as aggressors and illegitimate rulers. But since there was no state of warfare in the country, Maulana has declared India as Dar-ul-Islam, not Dar-ul-harb<sup>60</sup>. Maulana Saeed Ahmed Akbarabadi, after analyzing the opinions of various scholars, has remarked that during this entire British period, the conditions of the country have not remained the same, but have been changing, and what has been changing is the Sharia point of view of the scholars as a whole is also changing<sup>61</sup>. Maulana Abdul Hai Farangi Mahal, who was born after 1857 and who did not see that transitional period, his opinion in this matter was very clear that India is Dar-ul-Islam. In the pre-independent India, the majority of Indian Muslims adopted the tradition of united nationalism and Hindu-Muslim national unity<sup>62</sup>.

In the present time, there are a large number of scholars who have written books on Muslim-Non-Muslim relations. In the light of Sharia, it has been proved that treating non-Muslims well at the social level is the purpose of the Sharia. In this regard, the writings of Maulana Khalid Saifullah Rahmani, Maulana Saud Alam Qasmi, Maulana Akhtar Imam Adil and Maulana Jalaluddin Omari are very important. Maulana Wahiduddin Khan is a world-renowned Indian scholar, his influence on the modern educated class is very significant, his main call is that Muslims unilaterally create an environment of Hindu-Muslim reconciliation, so that the possibilities of *dawat* arise and Hindus and Muslims can also live in peace, he emphasizes the principle

<sup>55</sup> Omar Al-Katawi, "The Contemporary Perspective on Dar Al-Islam and Dar al-Harb," *Al-Multaqa al-Fikri Lil-Ibda'i*, August 5, 2008, <http://www.almultaka.org/site.php?id=636&idC=3&idSC=9>.

<sup>56</sup> Al-Katawi.

<sup>57</sup> Al-Katawi.

<sup>58</sup> Al-Katawi.

<sup>59</sup> Al-Katawi.

<sup>60</sup> Muhammad Mushtaq Tijarvi, "The Contribution of Scholars in Fostering Interfaith Harmony in India," *Mazameen*, October 5, 2016, <https://mazameen.com/oped/-المذاهب-بين-المدارس-التي-تتبعها-العلماء-في-الهند>.

<sup>61</sup> Tijarvi.

<sup>62</sup> Tijarvi.



of *Hudaybiyyah* in this regard. He has published his thoughts through books like *Aman-e-Alam* and *Islam and Ideology of Peace*<sup>63</sup>.

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